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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/535,637
Filing Date: November 23, 2005
Appellant(s): KELLY ET AL.

Carl A. Giordano
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 5, 2009 appealing from the Office action mailed May 1, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on July 1, 2009, contained amendments to the claims that would have required a new search, and subsequently was not entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. The brief is deficient because a web server 25 is included in the description of claim 1, however, no web server is mentioned in claim 1.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Claims 1, 3-5, 8-11, 13, 14, 21, 23-25, 28-31, 33 & 38-40 are unpatentable under 35 USC 102(e) as being anticipated by Siah (International Patent Application Publication No. WO 02/15024).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

WO 02/15024 A1 Siah, et al. February, 2002

Official Notice that it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to place the unique identifier in the burst cutting area of a DVD, since doing so would have provided a well known, standard location for the identifier, thereby making the unique identifier easy to find. Two documents have been attached in support of the Official Notice:

Free On-Line Dictionary of Computing, "Digital Versatile Disc", January 7, 2006,

<http://foldoc.org/digital+video+disc>, p. 1; and,

Afterdawn.com, "Burst Cutting Area", 1999-2010,

http://www.afterdawn.com/glossary/terms/burst_cutting_area.cfm, p. 1-2.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-5, 8-11, 13, 14, 21, 23-25, 28-31, 33 & 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by International Patent Application Publication No. WO 02/15024 A1 to Siah, et al. (Siah).
2. Regarding claim 1, Siah teaches a WebDVD player, comprising: a local database (See page 11, lines 20-22; wherein the database in the flash memory is local to the DVD player) including at least a plurality of universal resource locators (URLs) associated with corresponding ones of a plurality of websites associated with corresponding ones of a plurality of content providers (See page 10, lines 11-19; wherein each of the URLs is a website address and thus is inherently associated with a website), a plurality of expected title identifications associated with corresponding ones of said plurality of content providers (See page 11, lines 18-19; wherein the searched for records are the title identifications) and a list of methods for deriving a title identification (See page 14, lines 20-31 for a first method, and page 15, lines 5-19 for a

second method, wherein the methods must be stored on DVD players memory, as there is no other memory available) said methods consisting of at least one of a read operation and an algorithmic operation (See page 11, lines 13-17; wherein the calculation that is made is equivalent to an algorithmic operation); means for deriving a title identification (Title_ID) of a legacy DVD disc, the Title_ID being a unique identifier of a title of the legacy DVD disc, wherein the Title ID is derived in accordance with one of said methods specified in the database (See page 7, lines 19-20; wherein the unique DVD signature is an identifier of the title of the DVD); and means for linking the disc to a related web site based on the derived Title ID (See page 9, lines 24-25).

3. Regarding claim 3, Siah teaches means for determining whether the derived Title_ID matches an expected title identification value indicated in the database that is associated with the specified method (See page 11, lines 18-24; wherein ID's that lead to found records are expected values).

4. Regarding claim 4, Siah teaches means for retrieving a universal resource locator (URL) in the database that is associated with the expected title identification value if the derived Title_ID matches the expected title identification value (See page 10, lines 3-4).

5. Regarding claim 5, Siah teaches deriving the Title_ID by reading a unique identifier from a pre-selected location of the disc (See page 7, lines 19-21; wherein the C-PBIT is different for every movie, i.e., unique, and the C-PBIT is located in a pre-selected area of the disc).

6. Regarding claim 8, Siah teaches deriving the Title_ID by reading a Volume Set ID in a Universal Disc Format (UDF) file system of the disc (See page 13, lines 14-17; wherein the volume descriptor is the equivalent of volume set ID, and the Universal Disc Format is inherently used).
7. Regarding claim 9, Siah teaches deriving the Title_ID by reading selected data available on the disc (See page 7, lines 19-21).
8. Regarding claim 10, Siah teaches means for retrieving a provider unique identification (PVR_ID) from the disc (See page 13, lines 15-17); wherein the Title_ID is derived based on the retrieved PVR ID of the disc (See page 13, lines 15-17; wherein the Title Information is applicant's Title ID).
9. Regarding claim 11, Siah teaches means for determining whether the retrieved PVR ID matches a corresponding URL in the list (See page 14, lines 10-13); and means for searching through the title identifications in the table that are associated with the corresponding URL for finding a matching Title_ID (See page 13, lines 3-5).
10. Regarding claim 13, Siah teaches if the derived Title_ID fails to match any expected title identifications in the table, the linking means links the disc to a general web site of a content provider using the corresponding URL (See page 11, lines 26-28, and page 12, lines 7-9).
11. Regarding claim 14, Siah teaches means for accessing a source web site, if the derived Title ID does not match any expected title identification in the table, the source web site containing a database which includes a list of universal resource locator (URL) links to related web sites and their associated PVR_IDs and Title_IDs (See page 11,

line 26 to page 12, line 4); means for searching a corresponding URL in the source web site database based on the retrieved PVR_ID and derived Title_ID (See page 12, lines 3-9; wherein the DVD information server includes the web site database); and means for linking the disc to a related web site using the corresponding matching URL (See page 12, lines 23-25).

12. Regarding claim 21, this claim recites a method for operating the WebDVD player of claim 1, and is rejected for the same reasons.

13. Regarding claim 23, this claim recites a method for operating the WebDVD player of claim 3, and is rejected for the same reasons.

14. Regarding claim 24, this claim recites a method for operating the WebDVD player of claim 4, and is rejected for the same reasons.

15. Regarding claim 25, this claim recites a method for operating the WebDVD player of claim 5, and is rejected for the same reasons.

16. Regarding claim 28, this claim recites a method for operating the WebDVD player of claim 8, and is rejected for the same reasons.

17. Regarding claim 29, this claim recites a method for operating the WebDVD player of claim 9, and is rejected for the same reasons.

18. Regarding claim 30, this claim recites a method for operating the WebDVD player of claim 10, and is rejected for the same reasons.

19. Regarding claim 31, this claim recites a method for operating the WebDVD player of claim 11, and is rejected for the same reasons.

20. Regarding claim 33, Siah teaches accessing a source web site, if the derived Title_ID does not match any expected title identification in the table, the source web site containing a database which includes a list of universal resource locator (URL) links to related web sites and their associated PVR_IDs and Title_IDs (See page 11, line 26 to page 12, line 4); searching a corresponding URL in the database based on the retrieved PVR_ID and derived Title_ID (See page 12, lines 5-9); and linking the disc to a related web site using the corresponding matching URL (See page 12, lines 23-25).

21. Regarding claim 38, Siah teaches means for periodically updating the database and the table stored by the storing means with information from the source web site (See page 11, lines 26-28).

22. Regarding claim 39, Siah teaches means for caching an address of a website address each time the web site is accessed (See page 4, lines 7-9; wherein the PC inherently includes a cache memory).

23. Regarding claim 40, Siah teaches means for allowing a user to manually update the database and the table stored by the storing means with new information (See page 11, lines 28-30; wherein user input is required to update the DB; and, page 13, lines 12-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 6-7 & 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siah, as applied to claims 1 and 25 above, in view of Official Notice.
25. Regarding claims 6 & 26, Siah teaches the invention as described in claims 1 and 25. Siah does not specifically teach that the pre-selected location on the disc for the unique identifier is the burst cutting area. However, the examiner takes Official Notice that it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to place the unique identifier in the burst cutting area of a DVD, since doing so would have provided a well known, standard, location for the identifier, thereby making the unique identifier easy to find.
26. Regarding claims 7 & 27, Siah teaches the invention as described in claims 1 and 25. Siah does not specifically teach that the pre-selected location on the disc for the unique identifier is a private data sector. However, the examiner takes Official Notice that it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to place the unique identifier in a private data sector of a DVD, since doing so would have provided an established and dedicated location for the identifier, thereby making the unique identifier easy to find.

(10) Response to Argument

Regarding Applicant's argument that Siah fails to teach that the methods for deriving the title identification are contained within the local database. Applicant admits on page 8, last paragraph, of his Appeal Brief that Siah teaches two methods for

deriving the title identification. Siah further teaches that this method can be carried out on a computer or DVD player (See page 11, lines 20-22). If the method is carried out on a DVD player, a flash memory is used for storage of the local database (See page 11, lines 20-21). Since all reading and deriving of title identifications are done locally, i.e., on the DVD player, it is inherent that the methods for deriving are stored locally, or within the flash memory of the DVD player. Siah does not disclose any other storage device for the DVD embodiment (See Figure 2). Moreover, Applicant has not provided any suggestion regarding where else the methods for deriving could be stored. Since, neither Siah, nor Applicant, suggest any communications going on outside the DVD player during calculation of a title identification, Siah must store the methods (algorithms/programs) for deriving, within the local database.

Regarding Applicant's arguments concerning independent claim 21, and all depending claims. These arguments refer back to the same issues that concern claim 1. In other words, all remaining arguments deal with Applicant's suggestion that Siah does not teach "storing the methods for deriving" locally, within the DVD player. This argument has been addressed immediately above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jeffrey K. Seto/

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